

filed on January 9, 2006, the present invention is characterized in that the resin comprises at least two kinds of resins and in that the difference of glass transition temperatures between the first and second resins is within a specifically recited range. The examples of US '956 do not disclose that each of the resins in the resin blend includes a repeating unit represented by the formula (A1) or (A2). Example 12 of US '956 combining resin (1) and resin (c) appears to be closest to the present invention. However, resin (1) does not anticipate (A1) as recited in the present claims. That is, the group " $-\text{CH}_2\text{CH}_2\text{CH}_2\text{CH}_2\text{OCH}_3$ " in the leftmost unit of resin (1) disclosed in columns 77 and 78 of US '956 does not meet R of formula (A1) in the present claim 1, since R is an alkyl group limited to 1 or 2 carbon atoms. Therefore, all elements of claim 1 are not met and US '956 cannot be said to anticipate the present invention.

Additionally, Applicants submit that the Examiner's statement that US '956 *contemplates* the use of two distinct resins is not the proper standard for anticipation since all elements of the claims must be expressly or impliedly taught by the reference and not merely contemplated.

Accordingly, Applicants respectfully request withdrawal of the §102 rejection.

## **II. Response to Claim Rejection – 35 U.S.C. § 103**

Claim 8 is rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Takeda et al or Takemura et al in view of Sato.

Applicants respectfully submit that Sato et al and the claimed invention were, at the time the invention of the instant application was made, owned or subject to an obligation of assignment to Fuji Photo Film Co., Ltd. Therefore Sato et al is not available as prior art in accordance with the provisions of 35 U.S.C. §103(c) and even if Takeda et al was combined

with Takemura et al, all elements of the present invention would not be taught or suggested.

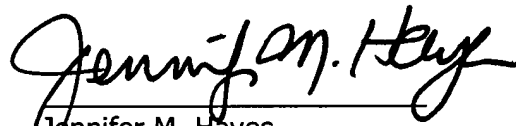
Accordingly, Applicants respectfully request withdrawal of the §103 rejection.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Jennifer M. Hayes  
Registration No. 40,641

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: July 5, 2006